

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PHILLIP NELSON BURNS, MIRJANA
PAVKOVICH, Administrator of the Estate of
Rade Pavkovich, Deceased, and Warren
Elmer Halpap,

Plaintiffs,

-against-

GRUPO MÉXICO, S.A. de C.V., a Mexican
Corporation,

Defendant.

Case No. 1:07-CV-3496(WHP)

**DECLARATION OF J. RYAN MILLER, ESQ.
IN SUPPORT OF DEFENDANT GRUPO
MÉXICO, S.A.B. DE C.V.'S MEMORANDUM
OF LAW IN FURTHER SUPPORT OF ITS
MOTION TO REMAND, OR, IN THE
ALTERNATIVE, TO DISMISS THE
AMENDED COMPLAINT**

J. Ryan Miller, declares, pursuant to 28 U.S.C. § 1746:

1. I am associated with the law firm of Milbank, Tweed, Hadley & McCloy LLP, counsel for defendant Grupo México S.A.B. de C.V., and I am admitted to practice before this court. I submit this declaration on behalf of defendant in support of its Motion to Remand or, in the Alternative, to Dismiss the Amended Complaint.


2. Attached hereto as Exhibit A is a true and correct copy of the Consent Decree, filed in *USA v. ASARCO, Inc. et al.*, Case No. 02-2079 (D. Ariz. Feb. 2, 2003) (the “Consent Decree”).

3. Attached hereto as Exhibit B is a true and correct copy of the Guaranty of Grupo México, S.A. de C.V., Appendix D to the Consent Decree.

4. Attached hereto as Exhibit C is a true and correct copy of the Order entered in *Town of Superior, Montana v. ASARCO, Inc.*, CV 01-147-M-DWM (D. Mont. Apr. 22, 2004) (No. 157).

5. I declare under penalty of perjury that to the best of my knowledge the foregoing is true and correct.

Executed on July 16, 2007
In New York, New York



J. Ryan Miller, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on July 16, 2007, a copy of Declaration of J. Ryan Miller, Esq. in Support of Defendant Grupo México, S.A.B. de C.V.'s Memorandum of Law in Further Support of its Motion to Remand, or, in the Alternative, to Dismiss the Amended Complaint, dated July 16, 2007 was served by e-mail as follows:

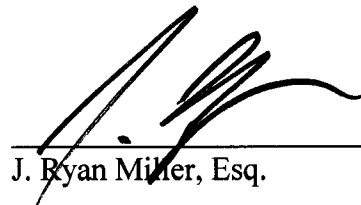
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